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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/635,301	08/09/00	HOBBY III	W 005487

EXAMINER	
OLSON, L	
ART UNIT	PAPER NUMBER
3617	2

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DATE MAILED: 08/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/635,301	HOBBY III, WILLIAM M.	
	Examiner	Art Unit	
	Lars A. Olson	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-17* is/are rejected.

7)☒ Claim(s) *13 and 18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 August 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "13" and "31" have both been used to designate the same housing. Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanami (US 5,536,187) in view of Stallman (US 4,437,841) and Lehmann (US 6,149,478).

Nanami discloses an outboard jet drive watercraft, as shown in Figures 1-4, that is comprised of a hull, defined as Part #13, with a transom, defined as Part #23, a housing that is sealed against the intrusion of water, removably attached to said transom above the bottom of said hull, as shown in Figure 3, and further comprised of a lower housing, defined as Part #28, and a sealable upper cover member, defined as Part #32, an engine mounting platform, also defined as Part #28, that supports an engine, defined as Part #27, and a jet propulsion or drive

unit, defined as Part #53, that is attached below said engine mounting platform and extends generally parallel to said engine.

Nanami, as set forth above, does not disclose a jet drive unit that extends from the rear of said housing and is operatively attached to said engine in said housing above said engine mounting platform, or a main fuel tank that is positioned inside said hull of said watercraft, and a fuel line that connects said main fuel tank to said engine.

Stallman discloses an outboard jet drive watercraft, as shown in Figures 1-3, that is comprised of a hull, defined as Part #10, with a transom, defined as Part #12, a housing, defined as Part #20, that is removably attached to said transom by a transom support or hanging bracket, defined as Part #22, an engine mounting platform, as shown in Figure 1, that supports an engine, as stated in lines 66-68 of column 2, and a jet drive unit, defined as Part #28, that is attached below said engine mounting platform and extends from the rear of said housing.

Lehmann discloses an outboard power generating apparatus for a watercraft, as shown in Figures 1 and 2, that has a housing, defined as Part #28, that is removably attached to the transom of a watercraft, as shown in Figure 2, and a main fuel tank, defined as Part #88 in Figure 2, which is mounted in the hull of said watercraft, that is connected by a fuel line, defined as Part #84, which passes through said transom and said housing, to a motor or engine, defined as Part #34, such as a diesel engine, as stated in lines 65-67 of column 9 and 1-5 of column 10.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a jet drive unit that extends from the rear of a housing for an engine, as taught

by Stallman, and a main fuel tank mounted within a boat hull that is connected by a fuel line to an outboard motor through a transom and motor housing, as taught by Lehmann, in combination with the outboard jet drive watercraft as disclosed by Nanami for the purpose of providing a more efficient and reliable mounting between a jet drive unit and an engine, and a more effective means for directing fuel from a main fuel tank mounted within a boat hull to an outboard motor mounted within a housing.

4. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanami in view of Stallman and Lehmann, and further in view of Takahashi et al. (US 5,913,294).

Nanami in combination with the teachings of Stallman and Lehmann show all of the features claimed except for the use of a secondary fuel tank and a fuel pump that are mounted in said housing and coupled between said main fuel tank and said engine.

Takahashi et al. discloses an outboard motor fuel supply system, as shown in Figure 1, with a main fuel tank, defined as Part #36, that is mounted within the hull of a watercraft, a fuel line, defined as Part #42, that connects said main fuel tank to a secondary fuel tank, defined as Part #46, a fuel pump, defined as Part #58, and a delivery conduit, defined as Part #54, that delivers fuel to an outboard engine, defined as Part #12. Also disclosed is a battery, defined as Part #80, that is mounted within the hull of said watercraft and is electrically connected to said outboard engine.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a secondary fuel tank and a fuel pump that are mounted in the housing of an

outboard motor and coupled between a main fuel tank and an engine, as taught by Takahashi et al., in combination with the outboard jet drive watercraft as disclosed by Nanami, and the teachings of Stallman and Lehmann, for the purpose of providing a smaller, more efficient and reliable means for providing fuel to an outboard motor.

5. Claims 6-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanami in view of Stallman, Lehmann and Takahashi et al., and further in view of Blanchard et al. (US 5,460,552).

Nanami in combination with the teachings of Stallman, Lehmann and Takahashi et al. show all of the features claimed except for the use of engine mounts that are attached to said engine mounting platform for supporting said engine, engine controls mounted in a watercraft and coupled to an engine and a jet drive unit, and engine monitoring sensors operatively coupled to a plurality of engine instruments mounted in a watercraft.

Blanchard et al. discloses a mounting system for a marine jet propulsion unit, as shown in Figure 2, that is comprised of an adaptor plate or engine mounting platform, defined as Part #20, and a plurality of engine mounts, defined as Parts #88 and 132, that are attached thereto for supporting an engine, as shown in Figure 1.

The use of engine controls, such as throttle controllers, that are mounted in a watercraft and coupled to an engine and a jet drive unit by either a push-pull control cable or an electrical connection is well known in the art. The use of engine monitoring sensors, such as rpm, temperature and pressure sensors, that are operatively coupled to a plurality of engine instruments

mounted in a watercraft, such as rpm, temperature and pressure gauges, is also well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize engine mounts, as taught by Blanchard et al., in combination with an engine mounting platform as disclosed by Nanami for the purpose of reducing engine vibrations between an engine mounting and a jet propulsion unit for a watercraft.

6. Claims 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanami in view of Stallman, Lehmann, Takahashi et al. and Blanchard et al., and further in view of Belt (US 6,132,269).

Nanami in combination with the teachings of Stallman, Lehmann, Takahashi et al. and Blanchard et al. show all of the features claimed except for the use of a clutched belt drive that operatively connects an engine to a jet drive unit, and an engine that is mounted in a reverse direction to a jet drive unit.

Belt discloses a jet propulsion system for a watercraft, as shown in Figure 1, with a clutched belt, defined as Part #44, that operatively connects an engine, defined as Part #24, to a jet drive unit, as shown in Figure 1. Said engine is mounted in a reverse direction, as shown in Figure 1, to said jet drive unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a clutched belt drive and an engine mounted in a reverse direction from a jet

drive unit, as taught by Belt, for the purpose of providing a more efficient and reliable means for operatively connecting an engine to a jet drive unit on a watercraft.

Allowable Subject Matter

7. Claims 13 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not show or suggest the use of an outboard jet drive boat in combination with a sealed engine coolant system that provides engine cooling without being dependent upon water from a body of water upon which a watercraft is floating, or an auxiliary battery that is mounted within the housing of an outboard jet drive.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

July 31, 2001

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